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MEDICIS PHARMACEUTICAL CORP.

16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN FRANCISCO DIVISION

21 IMPAX LABORATORIES, INC.,

22 Plaintiff,

23 v.

24 MEDICIS PHARMACEUTICAL CORP.,

25 Defendant.

CASE NO.: C08-0253-MMC

**STIPULATION AND [PROPOSED]
ORDER TO CONTINUE INITIAL
CASE MANAGEMENT CONFERENCE**

1 Pursuant to Civil Local Rule 6-2, plaintiff Impax Laboratories, Inc. and defendant
2 Medicis Pharmaceutical Corp. hereby stipulate and jointly request that the Court continue the
3 Initial Case Management Conference. The parties jointly declare the following in support of this
4 request:

5 WHEREAS, the Initial Case Management Conference is presently scheduled for Friday,
6 April 25, 2008;

7 WHEREAS, defendant filed a motion to dismiss on jurisdictional grounds, which has
8 been fully briefed by the parties and which the Court has taken under submission;

9 WHEREAS, resolution of the pending motion to dismiss has the potential to affect
10 whether and in what form this action will proceed;

11 WHEREAS, in order to conserve the resources of the Court and the parties, the parties
12 have mutually concluded that discovery and further case scheduling should take place after the
13 jurisdictional motion to dismiss is resolved;

14 WHEREAS, the parties have not sought any previous modification to the Case
15 Management Conference Order, and the only previous time modifications in this case have been
16 to extend the time for defendant to respond to the complaint pursuant to Civil Local Rule 6-1(a);

17 IT IS HEREBY STIPULATED, subject to the approval of the Court:

18 1. The Initial Case Management Conference, presently scheduled for Friday,
19 April 25, 2008, is vacated.

20 2. The clerk shall reschedule the Initial Case Management Conference for
21 10:30 a.m. on the Friday following issuance of the Court's order on the pending motion to
22 dismiss, or as soon thereafter as the Court's schedule may permit.

23 3. Discovery shall be stayed until issuance of the Court's order on the pending
24 motion to dismiss, at which time this stay shall automatically be lifted.

25 4. The parties' Initial Disclosures pursuant to Rule 26(a)(1) shall be due two weeks
26 after the rescheduled Initial Case Management Conference.

1 Dated: April 15, 2008

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

2
3 By: /s/ Jennifer Koh
4 Jennifer Koh
5 jkoh@wsgr.com

6 Attorneys for Plaintiff
IMPAX LABORATORIES, INC.

7 Dated: April 15, 2008

WEIL, GOTSHAL & MANGES LLP

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9 By: _____
10 Elizabeth Stotland Weiswasser
11 elizabeth.weiswasser@weil.com

12 Attorneys for Defendant
MEDICIS PHARMACEUTICAL CORP.

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14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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18 Dated: _____

Hon. Maxine M. Chesney
United States District Judge

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SIGNATURE PAGE EXHIBIT

1 Dated: April 15, 2008

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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3 By: _____
4 Jennifer Koh
jkoh@wsgr.com

5 Attorneys for Plaintiff
6 IMPAX LABORATORIES, INC.

7 Dated: April 15, 2008

WEIL, GOTSHAL & MANGES LLP

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9 By: _____
10 Elizabeth Stotland Weiswasser
elizabeth.weiswasser@weil.com

11 Attorneys for Defendant
12 MEDICIS PHARMACEUTICAL CORP.

13
14 **ORDER**

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16
17 Dated: _____

18 _____
19 Hon. Maxine M. Chesney
United States District Judge